



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305212
Applicant Name: Brittani Ard
Address of Proposal: 4265 Linden Avenue N

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new lots. The construction of townhouses has been approved under Project No. 2301706.

The following approval is required:

Short Subdivision - To create three unit lots.
(SMC Chapter 23.24)

BACKGROUND DATA

Zoning: L2

Date of Site Visit: n/a

Uses on Site: Multifamily residential

Substantive Site Characteristics: Midblock property along Linden Avenue N, with all surrounding property zoned L2. All surrounding properties are developed, with a mixture of building types from single family residences, duplexes, triplex townhouses, and large multifamily housing projects.

Public Comment

There were several requests for extension of the comment period and for notification of actions taken with respect to the project. There were three additional comment letters, one from the Fremont Neighborhood Council land use committee, which supported the comments of the neighbors. The comments of the neighbors were contained in one letter signed by 10 individuals. The letter expressed concern about how unit subdivision process relates to construction permitting, and in addition expressed concern about comportment with development standards including front setback and open space. Other concerns regarded adequacy of parking, comportment with the Tree Ordinance, and fire safety and emergency vehicle circulation.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing, and*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

Summary

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in a mapped environmentally critical area; therefore SMC 25.09.240 is not applicable. The proposed plat maximizes the retention of existing trees (i.e. those remaining/planted in concert with the building permit). The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are townhouses. The structures, as reviewed under their separate building permit, conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited, it required that the face of the plat states, as it presently does: "The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code." A joint use and maintenance agreement will be required as conditioned at the end of this decision; the proposed plat shows that it is already in place.

DECISION - SHORT (UNIT LOT) SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Please do not show conditions of approval prior to recording on the plat to be recorded.)

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.
2. Maintain the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
3. Maintain the shown joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
4. Maintain the easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final short subdivision.
5. Show on the plat an area to allow for the posting of address signage for the back unit lots and provide a covenant and/or an easement to ensure that address signage can be maintained.

Prior to Issuance of any Building Permit

1. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file) Date: April 4, 2005

Paul M. Janos, Land Use Planner
Department of Planning and Development
Land Use Services